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## England's Poet.

JAMES J. QUINLAN, '08.

 DIAMOND has no equal in its sheen.  
In splendor, brilliancy and power  
Of show it stands alone. The choicest flower,  
Most diverse in its hues and richest e'en.  
Must buried be 'neath beauty's might, I ween.  
That orchestra would be a goodly dower,  
Whose dulcet strains, day after day, each hour  
Could hold the greatest souls with int'rest keen.  
  
O noble Bard! from out time's distant fold,  
The brightest splendor of thy soul still shine  
To us. The varied beauty of thine art  
No rival has. Thy music, struck of old,  
Still fills the world. With mild or tragic lines,  
In life's great feud, each player plays his part.

## Otello.

[ BOITO—VERDI.]

WILLIAM MOLONY, '07.

HEN the Spartans at the advice of the oracle sent to Athens for a general to lead their armies, they received from the Athenians the ugliest man then living in the world, an old lame schoolmaster, Tyrtaeus. He was sent in derision, but Tyrtaeus stamped along with the army, and wrote and recited such warlike poetic strains that he raised the soldiers' spirits and gave them the victory. Tyrtaeus was a patriotic poet, and it was his patriotism as much as his martial poetry that aroused the Spartan soldiery. Tyrtaeus and Shakespeare—names not often appearing in the same sentence, and yet the inspirational quality of their

poetry in some way unites them. The maimed schoolmaster wrote in the mother tongue of the Greeks, and to the fire of his poetry, he added his love of country, and he declaimed his verses full of fire and patriotism, in such a manner that they rose for their country and fought to the death. Shakespeare wrote in English and has been able to inspire a musician to heights of art never before reached by the composer. Tyrtaeus had to declaim his verses to inspire his soldiers. Shakespeare inspired another to do his declaiming, and through the declaimer he reached the musician.

What germs of creation must not the English dramatist have placed in his Othello

to inspire a foreign poet to write a libretto and reach the musician through the poet and his work. This Shakespeare did for Giuseppe Verdi. Certainly Verdi owed much of his success to Arrigo Boito who wrote the libretto to Otello, but Boito followed Shakespeare's Othello with "A keen poetic sense, a complete appreciation of the spirit of Shakespeare, and a thorough knowledge of dramatic effect," and so we find Shakespeare the primal cause.

Verdi was the first musician who showed that he was able to work with Shakespeare, and "throw a new beauty upon lines familiar to us from childhood." And the most remarkable thing about it all was the fact that Verdi was almost seventy-five years old when he wrote the music to Otello. Shakespeare does not appeal to the young man in college who knows little of life off the athletic field with a fraction of the force which he exerts over the older. The young man has not seen enough of life. The older one becomes, and the more experience one gets, the greater will be his appreciation of Shakespeare.

The opera, as a whole, is a wonderful bit of work, and has helped to raise Verdi to the rank of famous men. It marks Verdi's effort to make music express the human feeling. We will not look at the opera as a whole, but select the place where Otello, who has been all along the *passive* hero, bestirs himself, and thence to the end is the *active* hero. Let us listen to the duet between Otello and Desdemona, Act III., Scene 2. Desdemona enters, sees Otello and immediately sings: "How is't with you, my husband, my heart's sole lord and master?" Otello answers: "Well, my good lady," and advances to meet her singing, "Give me your hand as virgin snow so white." The music is so natural that one sings it almost spontaneously. The notes seem to be but the modulations of the human voice. Otello continues: "Hot and yet moist; which argues a frank and liberal heart." Desdemona sings, "It yet has felt no age nor know of sorrow." Generally we speak of our joys and excitements in a high pitch of voice, sorrow and pity in a low tone. But a proof that she does not know sorrow, Desdemona slurs the first syllable of "sorrow" from C to F-sharp and ends on E.

Then Otello begins to speak his thoughts: "And yet within this hand there is a young and melting devil that commonly rebels; a good hand and a frank one surely. It requires pious castigation and fervent prayer." He has made his insinuation and Desdemona crushes it with, "And yet it was this hand that gave away my heart," and she immediately sends Otello into a fit of passion by singing: "But I must speak to you now of Cassio."

Otello no longer insinuates, he speaks out. He asks for her handkerchief. She has not the one he wants. Then he tells her of an Egyptian sorceress and of the evils incident to the loss of the handkerchief. She says that he frightens her. He orders her, "Go! Fetch it." She says that she can, but will not now, and asks that Cassio be received, claiming that this earnestness and almost frenzy of Otello is a trick to put off her suit. Things become threatening and the music tempestuous.

Otello goes to D and says, "That handkerchief." Desdemona goes to E and sings, "To Cassio's suit you must listen." Otello rises to E, "That handkerchief!" Desdemona to G, "To Cassio's suit you shall listen." Otello becomes crazed and sings to G, "That handkerchief!" Desdemona is frightened, and sings "Great heaven" (G to A flat)! "you seem to threaten; there's fury in your words." Otello demands that she lift up her eyes and look into his face, asks her what she is, does not believe what she says, and yells (A above) "Swear it! damn thyself!" Desdemona, trembling with fright, on her knees sings, "Upon my knees before thee, beneath thy glance I tremble; I understand a fury in the words, but not the words."

The music all through is filled with chromatics and fortissimo chords which wonderfully contribute to deepen the emotion and aid us in catching the feeling of the actors. It is hardly fair to speak of the music apart from the entire stage presentation of Otello. It can be done just as we can read Shakespeare, but both were written to be seen and heard and not read. It is another glory to Shakespeare that one of his drama's was staged as an opera, the greater glory in so far that it was a tragedy.

The Tragedy of Edward the First,  
BEING  
A PLAY THAT SHAKESPEARE DID NOT WRITE.

WESLEY J. DONAHUE, '07.

*Persons Represented.*

LORD MAYOR EDWARD DUNNE, Democratic Mayor of Chicago.

SIR J. HAMM LEWIS, General in Dunne's Army.

SIR THOMAS LITTLE, Lieutenant in Dunne's Army and traitor to Dunne.

DUKE FREDERICK BUSSE, Republican Claimant to the Mayor's Chair.

Sir DANIEL CAMPBELL, Commander in Chief of Busse's Army.

ROY WEST, Captain of Cavalry in the Republican Army.

Policemen, Soldiers, Attendants, etc.

ACT I.—SCENE I.

*A street in Chicago in front of "Hinky Dink's" saloon.*

Time.—The day before election.

(Enter a crowd of voters.)

1ST CIT. I'm tired of Dunne; his I. M. O's a dream.

2D CIT. Our present service surely is a fright.

3D CIT. For ten long years I've dangled from a strap,  
Or carried other people in my lap

Adown to work. At night when work was o'er  
I always had to walk back from my store.

We are not men unless we vote down Dunne.

MOB. So say we all.

1ST CIT. But peace, who comes?

(Enter Sir J. Hamm Lewis preceded by an escort of  
policemen with drawn clubs.)

1ST POLICEMAN.

Hence home, you idle loafers, get you home.  
Is this a polling place that you should loaf around?  
There's room for democrats, but not for youse.  
Republicans—a sorry lot ye are.

Don't block the road. What—well then back up,  
make way;

Now close your gills, hear what J. Hamm will say.

(Hamm ascends a beverage barrel; Citizens form a  
ring around him.)

J. HAMM.

How now, my friends, did you in truth condemn—  
And you do seldom err—our Lord Mayor Dunne?  
You spoke in praise of Busse—you were right.  
He loves the moneyed people, and you know  
They need somebody who will stand for them  
Against the mob who clamor for their wealth.  
Yes, Busse is a friend of wealth—not Dunne.

Poor Edward Dunne is but the people's friend.  
Forget you how he cut the price of gas;  
How he has fought against the Wall St. horde;

How night and day saloons are open wide  
Where freely flows the Bock and Lager clear?

Has not he g'in the common people work,  
And smiled to hear the band play Wacht am Rhine?

He has been all things unto all men:  
Unto the Irish Irish, and the Dutchman Dutch;

The negro's dearer to him than the Pole.

And yet you say that Busse is your choice.

1ST CIT. Methinks there is much reason in his sayings.

2D CIT. If thou consider rightly of the matter  
Our Mayor has suffered much.

3D CIT. So think I.  
I fear there will a worse come in his place.

4TH CIT. Mark'd ye his words!—He loved all men.

2D CIT. Yah, yah, he smiled to hear Die Wacht am Rhine.

3D CIT. He loves the Irish.

4TH CIT. Likewise the Dutch.

1ST CIT. But mark Hamm's nose is red from weeping.

2D CIT. Chicago has no nobler son than Hamm.

4TH CIT. Now mark him he begins to speak.

J. HAMM.

But two short years the word of Edward Dunne  
Was law to you, but now you turn him down;  
You stand for Busse. Ah; I weep for you.  
I see the Wall Street combine with its gold  
Controlling Busse, while the City Hall  
Will be a refuge for Republicans.

The democrats will all resign—ah me!  
O friends, imagine, "Chi" your own  
Without a democratic mayor. No, no,

I'd rather think King Ted could lose his stick,  
That Foraker could love the "coon" and Taft,  
That Fairbanks doesn't want the big chief's chair—  
Most anything but a "Repub" for mayor.

Good friends, sweet friends, let not this come to pass.  
I do not come to draw your ire on Busse;  
I come not, friends, to steal away your hearts;  
I want your votes. Go to the polls and vote

The Demo-M-O ticket and for Dunne.  
Do this, the city's saved (Aside) and I a job have

won.

ALL. We'll mutiny.

1ST CIT. We'll burn the house of Busse.

2D CIT. Away, then come let's pelt the Wall-Street horde.

(*Exeunt all.*)

(*J. Hamm descends from beverage barrel.*)

J. HAMM.

Now let it work, friend Busse; you're outdone.  
(*Looks at barrel. Exit.*)  
I'll seek out Hinky Dink and get a bun.

## ACT II.—SCENE I.

*Republican camp near State Street. Before Duke Busse's tent.*

(Enter Duke Busse, Sir Daniel Campbell and the Captain of cavalry, Roy West, policemen, soldiers and attendants.)

BUSSE. Stand. Ho!

CAMPBELL. Give the word ho and stand.

BUSSE. How now, Sir Daniel, is this Little near.

CAMPBELL.

He is at hand, and says that for the gold I spoke of he will lead his cavalry Unto our aid. The plan proposed is this: To-morrow noon as Dunne doth sally forth Expecting aid from Little's valiant horse; Then will Sir Thomas wheel and side of us Will, far from giving aid, attack poor "Ed."

BUSSE.

A skilful plan; what is the traitor's price?

CAMPBELL.

A thousand shares preferred of trusty steel:

BUSSE.

So let it be. But cover up the deed Let not the fickle people ever know That treach'ry worked the downfall of our foe.

CAMPBELL.

Thus is the winter of our discontent Made glorious summer by the friends of Dunne. To-morrow morn we'll storm the city hall And drive our "demo" foemen from the wall.

## SCENE II.

*Tent of Lord Mayor Dunne. Just outside of the City Hall. Night before election.*

DUNNE.

To-morrow and my fate will seal'd be. Another moon and high within this hall I rule a king or cringe at Busse's feet. Dunne cringe! not so; I was not born for that. Nay, rather, in the wintry lake I'll plunge, And die the while I shout for I. M. O. Oh, I. M. O., for year's I've clung to you; I've loved you as the mother does her babe, As Carrie Nation clung unto her axe, As Dowie Alexander loved his graft, As unto silver Bryan sold his soul. Yet these, all these, are dead ones. Can it be That I shall follow suit, that I shall fail? No, no; I spurn the thought, of this no more; To-morrow night the battle will be o'er.

(Enter Sir J. Hamm with an escort of policemen.)

J. HAMM.

Most valiant Ed., I know the vict'ry's ours, I feel it in my bones.—If Little fails us not.

DUNNE.

He will not fail; we'll hold the citadel Until he comes; then while he worries West

We'll sally forth; and 'tacked from either side West can but flee, and then our forces joined 'Neath Rothschild's towering store, we will unite And crush this Busse in a last grand fight.

## ACT III.

SCENE I.—*All Day's Battle.*

*Alarm. Dunne clad in complete armor anxiously gazing over parapet.*

DUNNE.

Past six o'clock and yet no aid has come, Could Hamm be right? Could Little traitor be? That could not be. Why, I have loved him well, And oft his love for me I've heard him tell.

(Enter a messenger.)

MESS.

My Lord, they've breached the outer wall. Sir Roger says the gas pipe sprung a leak And poisoned half his army, till at last He's forced to give a pace unto the foe.

(Enter 2d Messenger.)

2d MESS.

Sir Hamm is dead, and dying he sent me To bring you word that Little's force has turned, And now supports our foemen in the siege— These were the dying words of my good liege.

DUNNE.

Hamm dead! and Little traitor turned—Great Zeus! Without a doubt the fates have cooked my goose. Now I. M. O. is dead, soon will be Lord Mayor Dunne. Break, great heart, break; I see my course is run.

(Ent. 3d Messenger.)

3d MESS.

My Lord, the foe swarm through the breach; No chance of 'scape remains.

DUNNE.

Hence to the lake. Come let us drown ourselves.

MESS.

The lake's a sheet of ice.

DUNNE.

Too true. Then is there no chance t'scape? Must we like rats die cooped up in this trap? An auto, an auto, my kingdom for an auto! Not even that—you bind me on the rack. Well, then, I'll die with harness on my back.

*He sallies forth.*

*Enter Busse.*

Stand, villain, stand; it is your hour or mine. On both of us to-morrow's sun shan't shine.

DUNNE.

Back, traitor, back! But for my traitorous knight You never would have found me in this plight. Lay on you, Dutchman—burn my soul in Hell. Let all the world admit that Dunne died fighting well.

*They fight: Dunne is stabbed and dies murmuring "I. M. O." The crown found on a neighboring lamp-post is placed on Busse's head.*

BUSSE.

He was the poorest grafter in the bunch. I don't believe he knew what 'twas to hunch; His course is run, his soul will ride, I know, To heaven on a street car marked M. O.

(Curtain.)

## An Elizabethan War-Song.

GEORGE FINNIGAN, '10.

FAIR Saint George, protect us ever;  
 On! ye sons of England, on!  
 Battle now, for now or never  
 Must the strife for right be won.

Raise the standards, torn and tattered,  
 Saint George, help! to thee we cry;  
 May their honor ne'er be shattered,  
 May their glory never die.

Forward, men, let hearts be loyal;  
 Soon back from the bloody fray,  
 We'll return in triumph royal,  
 To keep our great Saint George's Day.

Raise your voices, swell the singing,  
 Ne'er shall blood our banners taint.  
 Let our war-cry ne'er cease ringing:  
 God, and George, fair England's Saint.

## Dementia Shakespeariana.

RAYMOND RATH, '08.

SCENE I.—*Country road, Charley, Arthur, country lads, with some town traits.*

CHARLEY. Did you see Rich Hasting, the student?

ARTHUR. What! is Rich home? How does that come? It's only May, and colleges don't close till June.

CHAS. Why, they say he's a little off from over study, that's what Maud said. Here comes Fred Wolffe and Oscar Mott. Say fellows, did you hear about Rich? He's home!

FRED. Yes, we just saw him walking around looking at his old home, and they say he's off.

OSCAR. Well, ma was over to his house last night, and she said he spoke fine except that he called her Kate. She thought there was nary wrong with him as far as she could see.

ART. Called her Kate?

OSCAR. Yes, she said he said "old Kate, be merry!"

ALL. Ha! ha! ha! a! a! a!

OSCAR. Say (*Looking up the road*), here comes Rich and his brother Dick now.

FRED. That ain't them; those are some of Stine's tailors.

OSCAR. No, siree, I'll bet cher a cent it's Rich.

ART. Yes, Fred, them's them all right.

CHAS. Look 't the swell walk on Rich.

Look 't how brown Dick's face is and how white Rich's is.

ART. Straighten up, fellows; Oscar, throw that butt away.

(Enter Rich and Dick Hasting.)

RICH. I tell you, grave-digger, 'tis true, 'tis pity, and pity 'tis 'tis true.

OSCAR. He, hi, hee! Did you hear what he's calling Dick!

FRED. She—s— you toad.

DICK (*Steps forward*). Say, fellows, here's Rich. (All step up to shake hands.)

RICH (*To Fred*). Good morrow, Bottom. (*To Oscar*.) Hello, Flute, is your beard coming? (*To Arthur*.) How now, Horatio. (*To Charley*.) Antonio, come forth and be merry.

Friends, comrades, playmates,  
 A latent past now comes  
 From out my memory's store  
 As 'twere a castle Elsinore.

DICK (*Aside to those smiling*). Oh, he's all right, boys, and he ain't all right.

CHAS. Why didn't you answer our letters, Rich? Didn't you get that Easter card with the rabbits playing photographer?

RICH. Why, thrice, my worthy friend, did I attend your epistles, but all of them did come back—the gods explain it, Antonio.

FRED (*Smiling*). Maybe you didn't address 'em quite right.

RICH.

My native town, my Rosalind,  
 Could I be so unkind  
 And lose thee from my mind.

DICK. Well, come on, Rich, let's go to see old Foster at the "corner". (*Exeunt*.)

FRED. Why didn't you ask him why he

called you Antonio, Charley, instead of talking about those letters?

CHAS. Why didn't you ask him. He called you Bottom.

ART. I wonder what the deuce ails him, anyway? He talked sensible all right, except the names.

OSCAR. Sensible? He called you a horehound—hi, hi, hee!

ART. No, he didn't. It sounded like "horse."

FRED. No, I think he said Horace—there's such a name; didn't you ever hear of Horace Greeley?

ART. Say, come on, fellows, let's hike down to Foster's store. He'll give a dandy spill there, I'll bet.

FRED. That's a go. Give us a match, Oscar (*Exeunt*).

SCENE II.—*The Store.*

RICH. Aye, yesterday, just as the Merry Wives had you under consideration.

MR. FOSTER. Er—you're all well, I suppose; you look smart.

RICH. Falstaff, old friend, I'm at perfect ease; but my face is as 'twere unshriven. I missed my barber yesternight.

TILLIE F. (*Through an open door.*) Oh, how do you do, Rich? Quite a stranger!

RICH. Well, well, well! Hither, wench; give me thy hand, Ophelia fair and rare, so't please your ladyship. Where is your mother?—O yonder comes she forth.

MRS. F. I heard your voice and knew it was you immediately. How are you?

RICH. O Gertrude, Gertrude, you are growing old.

OSCAR. Fellows, hear him, would ye. She'll give him little thanks for that.

ART. Look 't her blush.

CHAS. She's troubled. I guess she's sorry for the lad; she always thought so much of him; or else it's because Gertrude was her mother's name.

MRS. F. You enjoy studying, I suppose, but I guess it's pretty hard on your system, isn't it?

RICH.

Oh, no, no, no, no!

My pate can catch its moiety and splice  
Of any volume, verse, or ancient lore.  
And oft my comrades, as to lofty dreams  
I do out-Herod.

MRS. F. Eh—please?

RICH. Why think on't. I can quote you Shakespeare as 'twere a mocking-bird quoting the throat-libations of his fellows.

MRS. F. Hum, hum.

FRED. (*to Tillie.*) St! come 'ere, what did he say?

TILLIE. Oh, his talking about quarts, birds, and poetry.

MRS. F. Sit down, Richard. Here, take the rocker, or do you wish to play the piano?

RICH. O yes, a piano,—let Ophelia play.

MRS. F. Go, Tillie, play something. (*Tillie goes, finds a piece and plays "Faust."*)

RICH. (*Jumping to his feet at a powerful passage of the selection.*) Peace! ho, Cæsar! (*Enter Cæsar and his retinue*) 'Antonio!' 'Cæsar!'

MRS. F. I guess you'd better stop playing, Tillie (*T. stops*).

RICH. On, on, Ophelia; choke not the lyre, maid, lest I lose sight of Cæsar.

(*Telephone rings.*)

MRS. F. (*Having attended it*) Say, Rich, your mother wishes you to come home and take dinner with her.

RICH. All right. Where's the grave-digger? Oh, yonder—come on skull-digger, home we must.

DICK. Come ahead, I'm ready.

MRS. F. We should like to have had you stay with us for dinner.

RICH. 'Tis well, good morrow to you all. (*Exeunt.*)

SERVANT. Mrs. Foster, dinner is ready. Oh, is that Rich going down the road, sorry I didn't see him. (*All go out with the servant.*)

(*Farmer enters.*)

FARM. (*Yells into the next room.*) Say, Mrs. Foster, can I use your telephone a minute? Dick is worse and I must have the doctor right off.

(*Voice from the inside.*) Go ahead, call up 15. A.

(*Farmer telephones. Exit. Curtain.*)

SCENE III.—*Same Room.*

MRS. F. Say, Tillie, watch the doctor's return. I want to see him about that medicine he left here last week.

TILLIE. (*Playing with the lace curtain.*) There he is now, mamma, driving into the shed. He's coming in on his own accord.

MRS. F. Is that his buggy? I wonder

where's his auto to-day—yes, that's he—hum hum, he's got a new straw hat already. That's pretty early for a doctor, and little Jimmie is with him, too.

(Enter Doctor.)

DOC. How do you do, ladies.

MRS. AND MISS F. How do you do, Doctor Woodcock. Hello, Jimmie!

JIMMIE. Hai—o—

DOC. How beautiful is the weather to-day.

TILLIE. Yes, and mamma was just saying you're rushing the season somewhat.

DOC. O you mean my loud straw hat.

MRS. F. Tillie has been thinking of somebody else, or otherwise she might have said it for me.

TILLIE. Now, mamma!

MRS. F. Doctor, Tillie would like to know, I believe, what is your opinion of Richard Hasting—I mean regarding his health? As you live next door I suppose you have already seen and studied him.

DOC. Yes, that I have. He spent the evening with me yesterday, and I have dissected the labyrinth of his psychological make-up, while the conversation wended itself through the extenuated length of the annihilating process of several of my nut-brown cigars. I studied him, and I say he can only be reinstated to his mind's steady equilibrium by a diet of philosophy and rice, providing he quits the habit of poetry; for he is merely poetically hypo-psychologized.

MRS. F. hum, did you catch that, Tillie?

TILLIE. O I hope that doesn't refer to cigarettes or cards.

DOC. No, no; he's simply overhatched himself in poetry.

JIMMIE. Is that another word for steam-baths? I think I was over-hatched in one this morning.

DOC. From what I could gather last evening he seems to be afflicted with what I diagnose "dementia poetica dramatica Shakespeariana."

MRS. F. My! he hasn't taken to beer, has he?

DOC. No—no—no—I mean books; Shakespeare, not beer—that man, I remember wrote plays. Let me see just a minute (Gets his pocket Encyclopedia from his valise; reads awhile). Yes, "he reproduced every kind of character incident to mankind. He

suggested the world around us." Hum, yes; Rich by studying these characters got so disastrously to the bottom of their psychological concatenation and nerve machinery, as it is worked by the steam of sympathy that the dendrons and neurons of his nervosity refused to play with any other names but those of Shakespeare's catalogue. Those names have the monopoly as it were of his neurodendronatic system. Thus is the process: A Shakespearian name will marry itself to the image of you in his mind. It is a process of halucassociation unique in all its pluralities.

JIMMIE. Phew—pa—I'll bet you couldn't say that, Tillie Foster.

TILLIE. You mean he's not insane, don't you, Doctor, and that some nerves are selfish-like?

DOC. Yes. It's simply a fad, as I said before, of his neurodendronatic concatenation. It's the revenge of nature upon a mind contaminated by poetry. Only a philosophical psychosis is able to reform his fanaticism. Cursed be the Muses that gnawed away his mind.

JIMMIE. Do Muses gnaw? Could I catch one in my steel strap?

DOC. Hush up, Jimmie.

JIMMIE. Do you think you could draw the bad nerves out of his blood by a plaster, pa?

RICH. (Outside excited). Is Polonius in there? Say, we've broken down with your auto. Where's the key to the chest? I'm all besmirched; some Ariel is in the machinery.

DOC. There now, he's calling me (arises and goes out with Jimmie).

JIMMIE. (On the way out) O maybe, its a Muse, papa, that's in the machine. I'll get a box to catch it in.

SERVANT. Mrs. Foster, somebody's here to see you (Exit Mrs. Foster).

TILLIE. (Soliloquizes.) Did you hear how happy and healthy his voice sounded, Tillie? I'm sure its but a little conceit of his—and I'll cure him ere long; and with the help of these balmy days,—I'll be his doctor.

RICH. (Outside the screen door.) Aye, she'll be my doctor and my goods, my chattels, my home, my staff. The law allows it, and the courts award it, and it'll be so nominated in the bond.

TILLIE. How sweet is his insanity, and how sane! It scarcely needs a healing.

## To the Immortal Bard.

## A Challenge Fulfilled.

SHAKESPEARE! thou art not dead, nor e'er shall be.  
 Thy songs the everlasting day invoke  
 For thee; within their fold, thy heart is free,  
 Thy soul revealed. Each line, as a chisel's stroke,  
 Carves out thine inner self. Thy comment bold  
 On Life, on Nature, human and Divine,  
 Complete, thy life began. Thou charg'st of old  
 Thy works to speak thy thoughts, and we incline  
 To hear thy voice. Like Angelo of yore,  
 Whose highest gift of art was strongly bound  
 In the life-like form and face his Moses bore,  
 Raised high his chisel bright, in vict'ry crowned,  
 And smote the pedestal; and to his cry,  
 "O speak!" the lips, he thought, should make reply.

JAMES J. QUINLAN, '08.

## Shakespeare.

GREAT SIRE! who shipped upon the passion-tide  
 Of man, who put a word within his mouth  
 And veered its course at will, now north, now south;  
 Who bade man's will his profits override—  
 To be a man despising all beside;  
 Who out of nature, like the honey-bee,  
 Changed alloyed draughts by wondrous alchemy—  
 A perfect knowledge did you have, and wide.

Contained within a bounded scope is man,  
 His knowledge knows no depth which is too deep;  
 But you, great Sire, from point to point could scan  
 The cliff of Life, knew well its rugged steep.  
 To call you man would mar your intellect;  
 Your mind, a god's to see and to effect.

LEO J. COONTZ, '07.

## The Harmony of Shakespeare.

WE hear a harmony and wonder long  
 That each sole piece can play its part so well,  
 And that when all unite in rapturous swell  
 They issue forth in one deep flowing song.  
 The phrases, soft in parts, in others strong,  
 The joys and pains of life in cadence tell;  
 Each rest, each slow-played bar holds out its spell,  
 Which throws its charm of truth out o'er the throng.

In thy great drama, Master, do we feel  
 Each chord of human life played at its best;  
 Each swell of passion strong, each meaning rest;  
 Each saddened strain, and, too, each joyful peal.  
 While earth endures, thy noble works shall stand—  
 Thou art a teacher true, a genius grand.

GEORGE FINNIGAN, '10.

## Shakespeare.

FROM age to age a bard with joyous tears  
 Pours out his soul in sweet, uplifting song,  
 And as his godlike vision slowly clears  
 Bright dreams of rapture quickly round him throng.  
 And with the clearer vision loud and strong,  
 His voice vibrating music of the spheres  
 Sends forth a peal that echoes loud and long,  
 Reverberating through the boundless years.

To thee who sang in days whose surging swell  
 Has left a ripple on this distant beach,  
 Triumphant music from the lyric shell  
 Arises 'midst the chant of dulcet speech,  
 The ringing songs of those who love thee well  
 Beyond the power of silver tongue to teach.

HARRY LEDWIDGE, '10.

## St. George, the Patron of Soldiery.

WILLIAM P. LENNARTZ, '08.

A part of the insignia that constitutes the regalia of the ancient Order of the Garter is a golden pendant on which is imprinted the jewelled figure of a knight. The figure is that of St. George, the patron of soldiery. In art he is usually represented as clad in a military garb of the early Christian period, seated on a horse and tilting at a dragon beneath his feet. Sometimes he is pictured standing beside his plunging charger infuriated for the fray.

St. George was a soldier in the army of the emperor Diocletian under whom he suffered martyrdom. The fact of his being a soldier, as also the credit of his appearing to the Christian army before the battle of Antioch, caused him to be chosen as the patron of military men. He was descended from a noble Christian family, and because of his high birth and rank was obliged to enter the Roman army. Young, of brilliant talents, bravest of the brave, he soon won the favor of the emperor who proffered to him the highest position in the army. His superior talents and undaunted courage also obtained him a seat in the emperor's council.

But the career of the valiant young soldier was to be elevated above that of earthly conquest and glory. Meanwhile the dark clouds of persecution began to gather, and before long the storm would break in all its fury upon the Church and her children. Saint George foresaw the impending evil and prepared himself for the fate he knew awaited him. He made disposition of all his great wealth to the poor and to the Christians, who had scattered at the first rumors of persecution. To his slaves, of whom he possessed a large number, he gave freedom. As a member of the emperor's council, he realized that he would have to be one of the first to declare himself a Christian, and to seal that declaration with his blood. When that cruel prince launched his sanguinary edicts and waged war against the Christians, St. George laid aside the insignia of his office and openly protested against the emperor's barbarity.

Diocletian convoked a meeting of his ministers and announced to them his design to exterminate the Christians. With one accord his servile courtiers received his proclamation. One alone was silent, George. After the applause had subsided, he calmly and modestly arose, and with eloquence

that commanded the admiration and respect of all, he vindicated the Christians, and even dared to exhort the emperor to revoke the edicts, whose sole purpose was the oppression of the innocent. Diocletian was so impressed by the burning appeal of the young officer that he was unable to reply, and ordered the consul, Magnentius, to speak for him.

"It is evident by the boldness with which you have spoken before the emperor," said Magnentius, "that you are one of the leaders of that sect; your avowal crowns your insolence. But our prince, the defender of the gods of the empire, will surely avenge them for your impiety."

"If impiety must be punished," replied the intrepid George, "was there ever more abominable impiety than to attribute to creatures, even to inanimate ones, the august titles and inalienable rights of divinity? There can be but one God, and He is the God whom I adore and serve. I am a Christian and that name is all my glory."

At these words the rage of Diocletian knew no bounds. Fearing lest the youthful soldier by his eloquence might produce an impression on the others, he at once ordered him to be bound and incarcerated in a dreary dungeon to await torture and execution. The most cruel torments that human ingenuity could invent could not shake the martyr's constancy. The emperor finding all tortures of no avail had recourse to artifice. But the heroic George remained alike indifferent to blandishment and cruelty. Death alone could seal his lips, and even death was powerless to quench the eloquence that flowed from his martyred limbs. The extraordinary veneration in which his name has ever been held is an authentic and adequate proof of his glorious triumph.

In England Saint George is honored as the national patron of that country. The Council of Oxford in 1222 made his feast one of obligation throughout the kingdom. King Richard III. ordained him patron of the Order of the Garter, sometimes called the Order of St. George. The legend of his conflict with the dragon arose most probably out of the symbolical representation of his conflict with the pagan persecutor, the monster, Diocletian.

The name of Saint George is frequently met with in the writings of the English poets and novelists, particularly Shakespeare and Scott. In Shakespeare we find him invoked no less than twenty times. To swear by St. George was regarded almost as sacred as an oath sworn by the Sacred Text. In battle, "St. George and victory" became the cry that urged the soldiers on to fiercer conflict. His feast is coincident with that of Shakespeare's birthday.

# NOTRE DAME SCHOLASTIC

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—It was an established custom among the ancient Roman families to commemorate in a formal way each year the birthday anniversary of a great hero.

**Shakespeare Number.** Accordingly they took down from the ancestral niche, on those days, the waxen image of the distinguished personage, and placing it in their midst sang the praises and glorious deeds of their hero. This was not done that the one commemorated might not be forgotten and pass into oblivion, for one who needed such a commemoration to keep alive his name was thought unworthy to have one. But they considered it fitting to show some outward signs of esteem for those whose memory ever lived and blossomed in the minds of men. Next Tuesday is the three-hundred and forty-third anniversary of Shakespeare's birth, and while appreciating full well the words of Milton, "What needs my Shakespeare for his honored bones," and the dictum of the present Laureate, "Gods for themselves have monuments enough," we have nevertheless thought it good to contribute our mite, were it only to escape the pity of Dr. Adam Clark, who would have public prayers offered for all ignorant of the "Immortal Will."

—Apropos of the increasing activity of woman's suffrage advocates in this country, a quiet, forceful statement of woman's privileged exemption from voting, by an English woman has unusual interest. Such a state-

is "Women and Politics," by Carolina E Stephen in the *Living Age* for March 9. With a clearness of statement worthy of Abraham Lincoln, Miss Stephen emphasizes a point often apparently overlooked. It is for women to decide whether they want the ballot, and until a clear majority of them declare unmistakably for it, it would be both unwise and unjust to impose upon them against their will the grave political responsibility which intelligent voting implies. At present there is no good reason to believe that anything like a majority of American women wish the suffrage. All the evidence is the other way. A few years ago in Massachusetts the state legislature asked the women to vote on the question whether they wished the suffrage. Less than four per cent of the Massachusetts women thought it worth while to vote an affirmative answer. By their silence, ninety-six per cent of the women of the state said with Miss Stephen, "We shrink from the proposed abolition of our present exemption." In the presence of such manifest indifference on the part of all but a few women, the perfervid appeal to the gallantry of American men by an ardent suffragist in a recent *North American Review* is not a little incongruous. "It is incomprehensible that American men, so keen in their sense of justice, so insistent in their demands for fair play and a square deal, should so utterly ignore, so persistently refuse the constitutional rights of women." At the present stage of the question it would seem that the woman's suffragists should first convert to their way of thinking "the half of the nation most intimately concerned." This accomplished, the other half will begin to take the question seriously.

—We are indebted to Mr. John Worden of the Art Department for the reproduction of "The Church of Stratford on Avon" on the cover of this issue.

## Griffith in Richard III.

When it was given out Tuesday that John Griffith, the famous tragedian, would appear in Richard III. in Washington Hall, the student body awaited anxiously the coming of the hour. At two o'clock the Hall was packed, and late comers had difficulty in finding standing room. It was quite a treat, and the student body appreciated it accordingly. The deep voice and the interpretation of the noted actor made an impression on all. Not only is Griffith strong as a tragedian, but of the bits of humor that sparkle here and there in the play he is a master. Miss Ruth Gadsby as Queen Elizabeth was particularly effective, and her work in the fourth act was perhaps some of the best in the production.

We liked Charles Sutton as Henry VI., and Joseph Plunket as Catesby, also the Clifton sisters as the two young princes. Mr. John M. Hickey, who is presenting Mr. Griffith, is an old Notre Dame man, and many thanks are due him in having the production given out here. It was a treat which the student body received with much enthusiasm.

## Athletic Notes.

The weather-man finally consented to another game between South Bend and the Varsity, and on Wednesday Capt. Waldorf and his ball tossers took the leaguers into camp to the tune of 9 to 1 in seven innings. The weather was a little better than on the day of the first game, but overcoats and wristlets were much in evidence, and the loyal fans shivered to keep warm. Dubuc, who was on the mound for the Varsity, had things all his own way while he was in, and allowed the "Big Stickers" one scratch hit in five innings, fanning seven men and getting one single, which puts him safe with the rooters, and starts him right for the college season which opens Saturday. Fisher, who did the heavy work for South Bend, was pickings for the college men, and the way they landed on his shoots was something awful. In the third inning

they batted clear around, connected for seven hits, three of which were two-baggers, and when the smoke had cleared away had five runs on the score board.

Curtis had a chance to try the wing, and it worked very well, one man tried to steal second and he caught him by four feet. "Red" Boyle made a great stop between first and second, and on the way past it is well to mention that the same red-headed youth improves with every game. Kuepping was there with the stick, and connected safe three times out of four up.

Scanlan, who went in for Dubuc at the beginning of the sixth, was touched up pretty hard for the two innings he was in, but he had been sitting around on the bench during the earlier part of the game, and went in without warming up.

The trouble started in the first inning on a questionable decision by the Umps. Bonnan reached first on Wheeler's wild heave, went to second on the same play. McKee and Farabaugh were easy outs. Curtis drew a pass, and stole second. Brogan popped a high one to Hayworth, Bonnan and Curtis came in, and Hayworth dropped the ball. It appeared to be about on the line, but was close. To show that there was no luck about it, though, the Varsity came back in the third inning and won all over again. Farabaugh started with a two-bagger over centre; Curtis attempted to lay one down, and Fisher getting the ball held it until both men were safe. Brogan landed on one for two bases, scoring two men. Kuepping followed with another hit; Dubuc did likewise, Kuepping scoring. Boyle flew out to centre field. Keefe sent a hot one through third which Bush got in one hand but could not field. Bonnan drew a pass; McKee slammed another for two bases, and everybody scored. Farabaugh went out from short to first. Two errors and two hits brought two more runs in the sixth, and that finished the scoring by the Varsity.

South Bend got one run in the last of the seventh. Tieman went out from short to first. Hayworth hit. Crukshank hit for another, but Keefe got Hayworth going to third. Wheeler hit, Waston hit and Crukshank scored. Fisher flew out to Brogan.

## THE SCORE:

	R	H	P	A	E
Notre Dame					
Bonnan, l. f.	1	1	2	0	0
McKee, c. f.	0	1	2	0	0
Farabaugh, 1 b.	2	1	5	0	0
Curtis, c.	2	1	8	3	0
Brogan, 3 b.	1	1	2	0	2
Kuepping, ss.	1	3	0	2	0
Dubuc, p.	1	1	0	0	0
Boyle, 2 b.	0	1	2	1	1
Keefe, rf.	1	1	0	1	0
Scanlan p.	0	1	0	1	0
<b>Totals</b>	<b>9</b>	<b>12</b>	<b>21</b>	<b>S</b>	<b>3</b>
South Bend					
Ryan, l. f.	0	0	0	0	0
Bush, ss.	0	0	2	2	1
Kendall, c. f.	0	0	2	0	1
Tieman, r. f.	0	0	0	1	0
Hayworth, 1 b.	0	1	9	0	0
Crukshank, 3 b.	1	1	1	3	0
Wheeler, 2 b.	0	2	1	3	2
Waston c.	0	1	5	1	0
Fisher, p.	0	0	1	0	1
<b>Totals</b>	<b>1</b>	<b>5</b>	<b>21</b>	<b>10</b>	<b>5</b>

Two base hits—McKee, Brogan, Farabaugh. Struck out—By Dubuc, 7; by Scanlon, 1; by Fisher, 4. Base on balls—Off Fisher, 2. Umpire, McBride.

\* \*

## NOTRE DAME, 7; SOUTH BEND, 6.

The Varsity won a crazy game on Thursday by the score of 7 to 6. South Bend started out like winners, landing on Perce for five hits in the first inning, and scoring as many runs. In the third a pair of hits and a base on balls gave them another.

Tom Williams and his dope held the Varsity safe for four innings and one hit. a two bagger by Kennedy was all he allowed while he was in. In the fifth Capt. Waldorf's bunch landed on Wright, who went in for Williams, for three hits, and aided by a pass chalked up two runs. In the sixth one hit, two bases on balls, and a hit batter resulted in three runs for the Varsity, and in the seventh they got two more.

The game was a wild affair from start to finish, but furnished plenty of excitement throughout the entire contest. Kennedy made his first appearance in a Notre Dame uniform and slammed out a pretty two bagger in the third inning. Wagner also made his début, and allowed the leaguers but one hit in three innings.

The Ump got in wrong several times, but when it is remembered that all he

gets out of umpiring these practice games is abuse, he can be pardoned easily.

	R	H	P	A	E
South Bend					
Crukshank, l. f.	1	1	2	0	0
Coningar, c. f.	1	0	0	0	0
Tieman, r. f.	1	2	2	0	1
Hayworth, 1b.	0	0	9	2	0
Weston, c.	1	0	6	1	0
Guy, 3b.	0	0	1	2	0
Bush, s. s.	2	2	1	1	0
Grant, 2b.	0	2	2	4	0
Williams, p.	0	2	1	2	0
Wright, p.	0	0	0	0	0
Eckner, p.	0	0	0	0	0
<b>Totals</b>	<b>6</b>	<b>9</b>	<b>24</b>	<b>12</b>	<b>1</b>
Notre Dame					
Bonnan, l. f.	0	2	0	0	1
McKee, c. f.	1	2	1	0	0
Brogan, 3b.	2	1	1	2	0
Curtis, c.	1	0	9	2	1
Kuepping, ss.	0	0	3	2	0
Dubuc, 2b.	2	1	2	1	0
Perce, p.	0	0	2	3	0
Boyle, 2b.	1	1	2	4	2
Kenedy, 1b.	0	1	7	3	1
Wagner, p.	0	0	0	0	0
<b>Totals</b>	<b>7</b>	<b>8</b>	<b>27</b>	<b>17</b>	<b>5</b>

Two base hits—Bush, Kennedy. Struck out—By Perce, 3; by Williams, 1; by Wright, 3; Wagner, 1; Bases on balls—Off Perce, 1; off Williams, 1; off Wright, 2; off Eckner, 2; off Wagner, 1. Hit by pitcher—Boyle. Umpire McBride.

\* \*

## NOTRE DAME, 4; SOUTH BEND, 3.

The Varsity took the fourth straight game from the leaguers, winning by the score of 4 to 3. Scanlan was in the box for the college men and held Grant's colts to five hits. Ferris and Esselbaum did the twirling for the city men and let the Varsity down on one hit, but four errors for the Benders more than compensated for the work of Ferris and let us have the game.

## THE SCORE:

R. H. E.

South Bend:—0 2 0 0 0 0 1=3 5 4

Notre Dame:—0 0 0 0 3 1 \* =4 1 2

Batteries—Ferris, Esselbaum and Johnson; Scanlan and Curtis.

R. L. B.

\* \*

Brownson as usual is at the head of athletics. Four teams in Brownson, composed of all the best players in the Hall, have formed a league known as the "Brownson Hall Baseball League." The league is composed of four teams under the leadership of Capts. Madden, Daly, Sack and Benn. Mr. C. Rowlands was elected President. An excellent schedule is being prepared, and some good games are in view. C.

## Notes from the Colleges

Yale and Harvard are to meet on the gridiron next fall. Looks as if these two big ones like to create a lot of anxiety over their relations, since they make it a yearly practice to agree never to play with each other after the Thanksgiving game, and then just as regularly agree to assume relations before the next turkey day.

\*\*

The alumni committee of Cornell are to have complete control of the football coaching system at Cornell. Seems as if these fellows out of school would sometime wake up to that fact. While they may aid on the cheering line, they should at least let the college men do the college work of looking out for their own football teams.

\*\*

Chicago and Michigan have definitely decided not to hold a dual track meet this year. Probably they both are too big for each other. One sees in this agreement the "preciousness" of a reputation, and how it must be guarded.

\*\*

President Woodrow Wilson intimated at a dinner the other day that Princeton was to receive a gift in the near future, which when expended will make that school the greatest university in the world.

\*\*

Minnesota has thirty candidates out for her track team, Mr. Williams is in charge.

\*\*

Michigan students are agitating a movement to join a swimming pool similar to the one at Yale.

\*\*

Dr. G. R. Parkin, administrator of the Rhodes Scholarships in the United States, has announced the list of American candidates who have passed the examination of the University of Oxford held throughout the United States. Out of 215 candidates, 138 passed, a larger proportion than ever before. Of the forty-eight states, all produced candidates except three. Of the 138, forty-five will be chosen to go to Oxford in October next. The scholarships are worth \$1500 per annum.

P. M. M.

## LAW DEPARTMENT.

## BARLOW V. ELLIS.

This suit was recently tried on the chancery side of the Moot Court. Messrs. Wm. E. Perce, Leroy J. Keach, Walter L. Joyce and Daniel P. Dillon were the solicitors. James V. Cunningham acted as clerk and Chancellor Hoynes presided. It involves simply a question of equity, as tested by demurrer, and the opinion of the court upon the points raised follows the

## Statement of Facts:

Abraham Barlow and Charles Darlington are residents of South Bend, St. Joseph County, Indiana. Edward Ellis resides in Clay Township, just north of South Bend, Charles Cass carries on the business of banker at Mishawaka. Dennis Daniels is a farmer, and his land is situated between South Bend and Mishawaka.

In 1903 Barlow owned in South Bend a house and lot worth \$12000. The property is described as "Lot No. Nine (9), in Block Three (3), King's Sudivision of Ayer's Addition to the City of South Bend," etc.

Early in May, 1903, he leased the property to Darlington, the lease running to May 1st, 1906. The following week he decided to make a trip to Europe. His health being poor, he determined to remain abroad and travel for an indefinite time. With this object in view, he borrowed for three years from Cass the sum of \$6000, and gave as security a deed of the above described premises, with the usual covenants of warranty, etc. At the same time Cass executed and returned an agreement in the nature of a defeasance, providing that he would reconvey the premises to Barlow on receipt of the \$6000 and interest.

March 9th, 1905, when Barlow was in Europe, Cass conveyed the premises by warranty deed to Daniels, and the latter conveyed them the same day by a like deed to Ellis. Daniels took the deed with full knowledge of the circumstances attending the transfer of the property from Barlow to Cass, but Ellis had no notice of the agreement to reconvey the property, for the defeasance had not been recorded. Soon afterward he wished to go into possession,

but found that, as he had purchased it subject to the lease, he would have to procure an assignment or surrender of the same from Darlington. He informed the latter that he would pay \$200 dollars for immediate possession and assume the obligations of the lease. Said he, "As owner of the property I will cancel the instrument, and you need have no fear of responsibility in the matter. I desire to go into possession wishing to make improvements, and I will purchase your lease in order that I may not be compelled to await its expiration. In addition to the \$200 I offer I shall give security, if required, to meet any obligations that may arise under the terms of the lease. In point of fact, I am now the only one to whom you would have to answer in respect to it."

Ellis took possession of the property on the 1st of May, 1905. The payment of rent then ceased. Barlow was surprised that it no longer reached him, but decided, on reflection, to let it accumulate until his return, having implicit confidence in Darlington, the tenant.

After an absence of three years Barlow returned. He lost no time in calling on Cass and tendering the \$6000 borrowed from him; also, the accrued interest. At the same time he demanded the reconveyance of the property. This being refused, Cass having no further power over it, he next called on Ellis and demanded possession or rent. The latter said, "You must be a madman. Leave at once or I'll call my dogs to accelerate your going." Barlow now asks relief. He is in doubt as to whether he should sue in ejectment or file a bill in equity. His solicitors have decided on the latter course.

#### *Opinion.*

The salient points for decision in this suit are whether, in view of the facts, the warranty deed given to Cass to secure payment of the \$6000 loan can be treated as a mortgage, notwithstanding Barlow's failure to record the defeasance, and whether Ellis, the defendant, is a purchaser in good faith, or without actual or constructive notice of the claim set up in the bill. If the deed to Cass conveyed a valid title in law and equity he could convey an equally sound title to his vendee, Daniels, and the latter

could convey the same title to Ellis. But if Barlow's deed to Cass was, in contemplation of law, only a mortgage, the latter could not convey a valid title to any person aware of the fact, or chargeable with a knowledge of circumstances that would put a reasonable person on inquiry in respect to the matter.

It is a general rule that a deed given to secure the payment of a debt or obligation should be treated simply as a mortgage. Equity considers substance rather than form. It gives effect to the intention of the parties rather than to appearances. Hence it looks in this case directly to the transaction between Barlow and Cass. It finds that a deed was given to secure a loan and that at the same time was handed back a separate writing in the nature of a defeasance, promising to release and restore the property on payment of the debt.

In the light of these facts such deed must be viewed as a mortgage. It would be supererogatory to inquire into the motives that actuated the parties to deal with each other in this way. Barlow may not have wished to give as security for the loan an instrument in the form of a mortgage, for he might think that it would affect his credit or tend to humiliate himself and family in the community, and Cass may have presumed that in the event of Barlow's death in Europe or failure to pay the debt no objection would be raised to his holding the property permanently as in fee simple under the deed, without the expense, delay and annoyance of foreclosure proceedings. But Barlow did not die, nor was he remiss in seeking to repay the borrowed money, with interest—a feature that further strengthens the complainant's contention that the deed was simply a mortgage. Although it is a fundamental rule of evidence that a written instrument can not be contradicted or changed by oral testimony, yet the rule does not preclude the introduction of such testimony when tending to explain and prove what the instrument really is. Thus it may be proved to be quite different from what it purports to be.

It may thus be shown that a writing is fraudulent or otherwise invalid, and not entitled in law to enforcement or credence.

Innumerable authorities might be cited in support of these views, but only a few need be given: *Ashton v. Shepherd*, 126 Ind. 69; *Blair v. Bass*, 4 Blackf. 539; *Barrow v. Barrow*, 34 Wash. 684-76 Pac. 305; *Malone v. Roy*, 134 Cal. 344-66 Pac. 313; *Rankin v. Rankin*, 216 Ill. 132-74 N. E. 163; *Mitchell v. Knisely*, 27 Ind. App. 664; *Spicer v. Holbrook*, 66 S. W. 180 (Ky.); *Green's Admir. v. Vincent*, 87 S. W. 804 (Ky.); *Bigler v. Jack*, 87 N. W. 700 (Iowa); *Lehman v. Chatham Machinery Co.*, 66 S. W. 796 (Tex.); *Hurd v. Chase*, 100 Me. 561-62 At. 660. And a deed given to secure the grantee as surety for the grantor is only a mortgage.—*Meeker v. Warren*, 57 At. 421 (N. J. Ch.).

It is next in order to inquire whether Ellis, the defendant, may be viewed as a purchaser in good faith, or without notice of Barlow's claim to the property. His immediate grantor, Dennis Daniels, certainly was not such, and could claim no better right under the deed from Cass than Cass himself had. Presumed to know the law, as are citizens generally, he knew, or ought to have known, that the deed from Barlow to Cass was simply a mortgage, as it was given to secure the payment of a debt. On the very day he purchased the property from the latter he sold it to Ellis. From that point of view, to say the least, Ellis acted very hastily in such important matters as the examination of title, search for liens and incumbrances, inquiry as to persons in possession, reference to the county records, etc. He must have known or by inquiry could have known that Darlington, Barlow's tenant, was in possession of the premises and paying rent to the complainant. It is claimed, nevertheless, that he was a purchaser in good faith and without notice because of the complainant's failure to record the defeasance. There might be merit in this claim were it not for the fact that Barlow was still virtually in possession of the property and asserting ownership of it through the possession of his tenant, Darlington. That fact amounted to constructive notice to the defendant and put him upon inquiry as to why and under what color of right the premises were thus held. If he failed to make such inquiry he is nevertheless chargeable with notice of such

facts bearing on the title as inquiry would have developed. It seems, however, that he must actually have known of the lease and possession of Barlow's tenant, for after buying the place he called on him and stated that he would pay \$200 for the assignment or surrender of the lease to himself and be answerable for the fulfilment of its terms.

He evidently knew that the tenant had received the lease from and was paying rent to the complainant. This was manifestly inconsistent with the claim of ownership on the part of Daniels and Cass. It was constructive notice to him and prevented his being a purchaser in good faith. It was only secondary to the notice that would have been afforded by the recording of the defeasance. While there is a marked contrariety in the decisions on the subject, this seems nevertheless to be the favored doctrine—the more just in the domain of equity. It is supported, too, by some of the most carefully considered cases, a few of which may here be cited: *Graham v. Graham* 55 Ind. 23; *Caress v. Foster*, 62 Ind. 145; *Sutton v. Jarvis*, 31 Ind. 265; *Phelan v. Brady*, 119 N. Y. 587; *Appeal of Bugbee*, 110 Pa. St. 331; *Allen v. Cadwell*, 55 Mich. 8; *Crooks v. Jenkins*, 100 N. W. 82; *Allen v. Gates*, 50 At. 1092; *Kent v. Dean*, 128 Ala. 600-30 So. 543; *Collins v. Moore*, 115 Ga. 327-14 S. E. 609; *U. S. v. Sliney*, 21 Fed. 894; *Howorth v. Taylor*, 108 Ill. 275. In fact, many courts hold that possession is notice, although not actually known to the subsequent purchaser.—*Ranney v. Hardy* 43 Ohio St. 157; *Hodge v. Amerman*, 40 N. J. Eq. 99-2 At. 257; *Edwards v. Thompson*, 71 N. C. 177.

In the light of the foregoing facts and principles it is ordered, adjudged and decreed that the demurrer be and hereby is overruled.

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#### Death of the Rev. Dr. Gieseler.

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A distinguished alumnus of Notre Dame, Rev. Dr. Gieseler (pastor for the past five years) of St. Joseph's Church, Lena, Ill., died from an attack of heart trouble last Thursday week. Father Gieseler was forty years old and fifteen years a priest. Notre Dame mourns his passing and sympathizes with the bereaved relatives. *R. I. P.*

## Local Items.

—IMPORTANT.—Will the Minim, Junior, or Corbyite, with the raspy throat please forget his obligations to sing at Saturday morning services. This is an extreme measure, but we were forced to it. We beg it as a request.

—An aggregation called the "St. Joe Alumni" visited the St. Joe campus, and drubbed the Hall team nicely last Thursday. For a while the game was close and interesting, but the "older ones" pulled away the big numbers.

—The Brownson Literary and Debating Society has sustained a great loss in the leaving of Mr. David McDonald, its strongest debater. For two years he was on the Brownson inter-hall teams, a fact that is the best evidence of his ability as a speaker. With him leading the team, the Brownsonites were confident of winning the inter-hall championship. Mr. McDonald's place will be taken by Mr. John Condon, who is very promising as a debater.

—The bell in Sorin Hall rang loudly for some moments ushering in the 9.30 recreation period. Some students were already going downstairs anxious to get to the fumigation room; others were coming from their classes their books tucked under their arms. The "Noisy Corner" was soon well patronized, and an unusual quiet prevailed. Count de Baradas entered and at once related a funny experience he just had had in German. A smile spread over the faces of those who liked to please. A tall "Germanite" came next, rolled a cigarette and asked for a light. A silence, broken only by the demand for a match, a "next on that," or "got some tobacco, a cigarette paper, and a match," answered by the usual remark, "shall I roll it for you?" Alas! a steady step from without, and anxiety spread over the faces of those who had "skipped" class. Nearer and nearer came the step, and at last a face, it's one cheek spread out to the danger line, showed itself in the door. The "Goma" president announced the newcomer in the usual manner, "Hey Hypo." Count de Baradas

became uneasy at once, and each mind decided that something would happen. The captain of the guards watched the Count intently, as the latter walked into the centre of the throng. "Room, room, shouted some one, and Baradas raised his shoulders, put his hands in his sleeves and walked with a springy step, saying: "No never, think it not, troth, a pleasant invitation." "Oh, H—," shouted the "Goma" president, but spying Tobe he asked, "Where were you last night?" But horror! just as Jocko was making his point the bell rang and he exclaimed: "Oh Joseph," as he walked out of the room arm and arm with Ken.

—Corby Hall Literary and Debating Society.—Corby Hall always stood at Notre Dame for physical and social life. Its smokers, its football team, its basket-ball team have won an undisputed fame. But it now lays a claim to superiority in the intellectual field. The Literary and Debating Society, owing to the pressure of external causes, had hitherto failed to materialize into anything worthy of Corby. But under the skilled, painstaking and sympathetic leadership of Mr. W. O'Brien, C. S. C., the society has launched into new waters with a more than fair success. April the 17th beheld the *élite* of the Hall assembled for the first meeting. Beautiful songs by Mr. Crepeau; eloquent orations on the Impracticability of Municipal Ownership, by Mr. R. McNally, and the Unveiling of the Sorin Monument by Mr. W. Hutchins, formed a part of the program. Mr. F. Roan kept his audience under the spell of his warm and humoristic address on the Knights of Columbus. Mr. H. Hilton and Mr. T. Dunbar struck the gay note of the evening; the one with his recitation, and the other with the reading of a humorous manuscript.

Mr. O'Brien, C. S. C., spoke the closing address, and described the advantages to be derived from a hearty interest in the work of the society. He illustrated his meaning with a touching declamation. His efforts to make the evening a profitable and pleasant one were no doubt crowned with success. His spirit has passed into the soul of all, and will be productive of the best result for the future.